



# NIXON PEABODY LLP

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June 13, 2003

## VIA FACSIMILE AND FIRST CLASS MAIL

Joseph A. Coppola, Esq.  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

RE: John L. Davidson Patents and Patent Applications  
U.S. Appl. No. 09/954,462  
U.S. Appl. No. 09/976,106  
U.S. Appl. No. 10/084,444  
U.S. Appl. No. 10/355,901  
Int. Appl. No. PCT/US02/05771  
U.S. Pat. No. 5,843,505  
U.S. Pat. No. 6,165,538  
U.S. Pat. No. 6,322,833  
EP 0845954 B1  
AU 9668444A  
CAN. 2,229,270 PCT/US96/13006

Dear Mr. Coppola:

Please be advised that this office represents L. John Davidson regarding the above-referenced issued and pending patent applications (the "Davidson Patents").

As you know, Mr. Davidson is the owner of and claims exclusive rights over Pasteurized Eggs Corporation ("PEC") in and to the Davidson Patents. There has never been a valid assignment by Mr. Davidson in favor of PEC, and PEC has no rights to claim ownership by virtue of any relationship or agreement, including, but not limited to, a certain Employment Agreement dated January 22, 2001, and a Global Settlement Memorandum dated as of September 20, 2001. The only assignments that exist between Davidson and PEC involve U.S. rights to the '505 and '538 patents, including reissues and extensions. These assignments may have been induced by fraud and misrepresentations and there was a failure of consideration by PEC.

Kenyon & Kenyon has no authority to prosecute any pending applications or provide patent services for any issued patents in the name of L. John Davidson as inventor. Demand is hereby made to you and your firm to cease and desist all patent services involving Davidson's

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Joseph A. Coppola, Esq.  
Kenyon & Kenyon  
June 13, 2003  
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patents and to return all Davidson patent files to Mr. Davidson. Further, please provide a list of all pending U.S. and foreign patent applications that identify L. John Davidson as inventor or co-inventor, along with a description and schedule of any upcoming action deadlines within seven (7) days of the date hereof. We also request that you provide us, at the same time, with a description of any activities that you have undertaken since the beginning of your engagement by PEC that involve the Davidson Patents which Davidson, as inventor, is entitled to know.

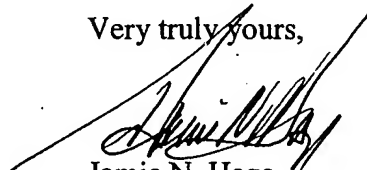
If you do not cease and desist and believe you have authorization to act in the Davidson Patent matters, provide this office with the basis for this authorization and copies of all documents in support thereof. Any authorization you may have been given by PEC or any other party involving the Davidson Patents is invalid and ineffective and was without the express or implied consent of Mr. Davidson. Further, the recent transfer of Davidson files by the Birch, Stewart, Kolasch & Birch, LLP law firm to you was not authorized by Mr. Davidson.

Your activity, including but not limited to, notification to European patent counsel that Davidson is not the owner, and should not be communicated with, is wrong and may cause irreparable harm and damage to Mr. Davidson. You are interfering with Mr. Davidson's lawful rights in and to the Davidson Patents, and the management thereof, and we intend to hold you responsible for any and all damages incurred by Mr. Davidson as a result thereof.

By acting before the U.S. Patent and Trademark Office in any matter where Mr. Davidson's intellectual property is involved, you are representing that you are his attorney as well as PEC's. We believe this places you and your firm in a conflict situation, and you cannot represent Mr. Davidson in these patent matters before the PTO without the express consent and authority of L. John Davidson. That consent is not being given and was never given.

We are prepared to take all necessary action to protect our client's intellectual property rights in and to the Davidson Patents. Your continued representation in these matters is at your peril, is not authorized and may result in action against you and your firm, which may include, *inter alia*, the filing of an ethical complaint before the PTO.

Very truly yours,



Jamie N. Hage

cc: L. John Davidson  
Joe McKinney Muncy, Esq.

L. JOHN DAVIDSON

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April 28, 2003

Mr. Joseph A. Coppola, Esq.  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

Re: Communications with Bart van Wezenbeek

Dear Mr. Coppola:

I have reviewed the correspondence to and from you and Mr. van Wezenbeek. To avoid any confusion, please go ahead with your plans to make payment to him as you already have indicated in your communication to him. As I learn more about the selection of countries through consultation with Fred Whisenhunt, I or Fred will so advise you of our mutual thinking and seek input from you.

Sincerely,

L. John Davidson

LJD/js

cc: James Rand  
Bart van Wezenbeek  
Fred Whisenhunt

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*Telephone: (603) 362-6261* *Facsimile: (603) 362-5865*  
**jdavdsn@metrocast.net**

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
**Commissioner for Patents**  
**Washington, D.C. 20231**  
**Fax** (703)746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

2292 7590 04/07/2003

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,444	02/28/2002	L. John Davidson	4011-0128P	4977

TITLE OF INVENTION: PASTEURIZED EGGS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	07/07/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
WEIER, ANTHONY J	1761	426-298000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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TRANSMIT THIS FORM WITH FEE(S)